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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,524	06/29/2001	Paul D. Perry	51481-5069	2982

28524 7590 03/28/2003

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVE. SOUTH
ISELIN, NJ 08830

EXAMINER

GUSHI, ROSS N

ART UNIT PAPER NUMBER

2833

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,524

Applicant(s)

PERRY ET AL.

Examiner

Ross N. Gushi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-13 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

Claims 1-4 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Mason et al. ("Mason"). Mason discloses a mount 30 for an electrical device 12 including a body and a plurality of electric contacts 18, the body having a base and at least one lateral face extending from the base, and the plurality of electric contacts projecting a first distance from the base (see attachment), the mount comprising: an electric terminal 32 including a solder portion (see attachment) being adapted to be soldered to at least one of the plurality of electric contacts; and a platform (the portions of transverse portion 36 sandwiched between the terminal and the base) adapted for spacing at a second distance the base from the solder portion electric terminal, the second distance being substantially equal to the first distance (see attachment).

Per claim 2 the electric terminal extends along an axis and comprises: a first portion having a first cross-section transverse with respect to the axis; and a second

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portion having a second cross-section transverse with respect to the axis, the second cross-section being smaller than the first cross-section (see attachment).

Per claim 3, the platform is adapted to be contiguously sandwiched between the base and the second portion.

Per claim 4, the first and second cross-sections are generally rectangular, the first portion comprises a first width transverse with respect to the axis and a first height transverse with respect to the axis and perpendicular to the first width, and the second portion comprises a second width transverse with respect to the axis and a second height transverse with respect to the axis and perpendicular to the second width, and the second height is less than the first height (see attachment).

Per claim 14, the mount further comprises a housing supporting the terminal such that the terminal is contiguously sandwiched between the housing and the platform (see attachment).

Per claim 15 the housing comprises a plurality of fingers (38, 40) projecting from the housing and adapted to contiguously engage the at least one lateral face.

Per claim 16 the plurality of fingers are distributed on opposite sides of the terminal.

Per claim 17, the housing comprises an electric insulator and the terminal comprises an electric conductor.

Per claim 18, the platform and the housing commonly comprise a homogenous molding.

Response to Arguments

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Applicant argues that Mason teaches soldering the lag 18 at portion 52 of element 32. The examiner does not contest this assertion. However, applicant is claiming “a solder portion being adapted to be soldered” The limitation that the solder portion be adapted to be soldered merely requires that the identified portion (see attachment) in Mason be capable of being soldered to the contact as claimed. The claimed limitation does not require that Mason in fact suggest that the portion identified in the attachment as the solder portion actually be soldered. All that is required for the prior art reference structure to read on the claimed structure is that the prior art structure be capable of being used in the claimed manner. *R.A.C.C. Industries Inc. v. Stun Tech Inc.*, 49 USPQ.2d 1793 (Ct. App. Fed. Cir. 1998).

Applicant argues that Mason “teaches against” applicant’s mounting arrangement. The examiner is not suggesting any modification to Mason, the rejection is based on 35 USC 102. There is nothing in Mason that teaches away from the structure disclosed in Mason.

Allowable Subject Matter

Claims 5-13 and 19 are allowable for the reasons previously indicated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (703) 306-4508. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at (703) 308-2319. The phone number for the Group's facsimile is (703) 308-7766

rng

A handwritten signature in black ink, appearing to read "Ross Gushi", is located in the lower right portion of the page.

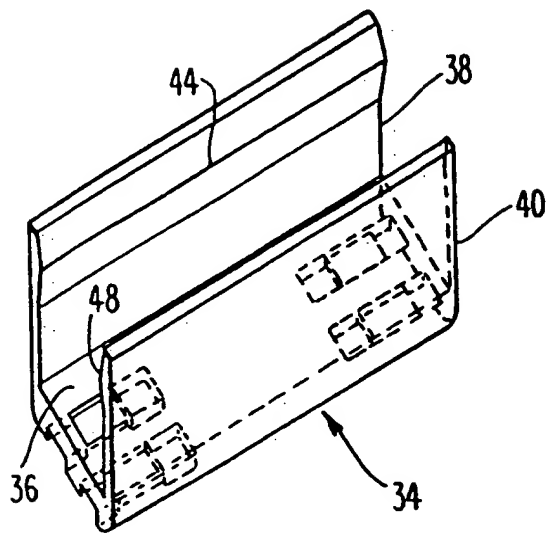


Fig. 2

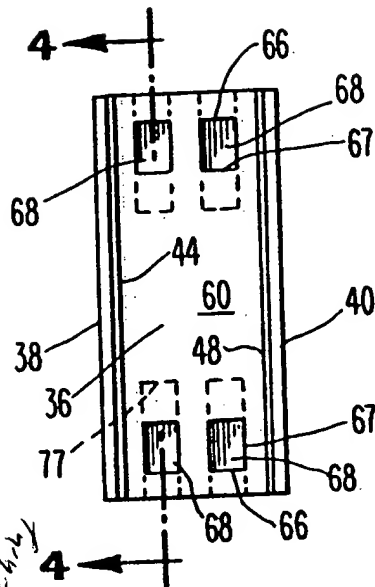


Fig. 3

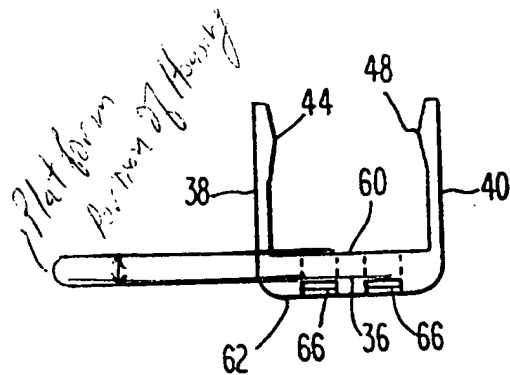


Fig. 5

Platform portion sandwiching terminal

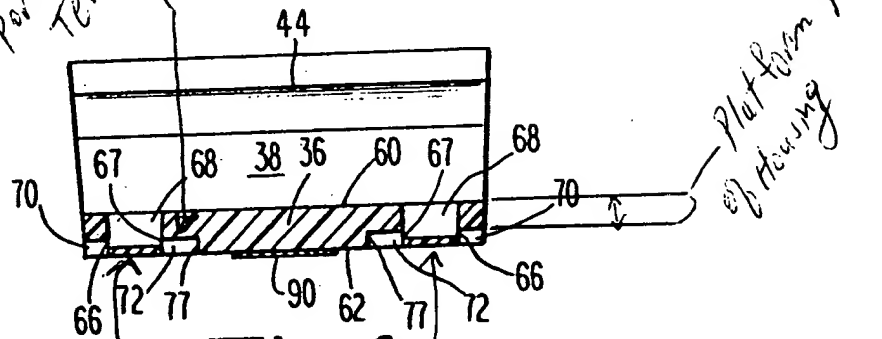


Fig. 4

Housing portion sandwiching terminal

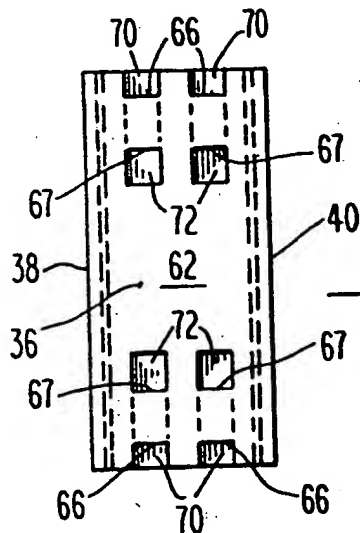


Fig. 6

